

**Testimony of Kevin Ryan, Child Advocate for the State of New Jersey
Before the United States House Committee on Ways and Means
Human Resources Subcommittee
Thursday, November 6, 2003**

Good morning,

My name is Kevin Ryan. I am the child advocate for the State of New Jersey. I lead a new, independent agency, statutorily charged with monitoring public systems that serve children and youth at risk of abuse and neglect. Our jurisdiction includes the state's child welfare system; its juvenile justice system; the public health system; schools; day care centers and mental health facilities.

We are a new entity in New Jersey, having taken office less than one month ago.

We have two primary tasks. The first of these is to probe systemic and individual problems throughout state government with regard to the care and support of children and youth at risk of abuse and neglect. Our second role involves problem solving. As we identify systemic deficiencies, my staff of investigators, public interest lawyers and child welfare specialists must develop solutions to those problems and champion their implementation across and among government agencies.

The Office of the Child Advocate was borne of tragedy and a desire to better serve our most vulnerable children. The deaths of children this past year due to abuse and neglect, some of them already known to various state and municipal agencies, captured the public imagination. New revelations of maltreatment in the child welfare system brought to light by the federal class action lawsuit championed by Children's Rights, Inc. led the Governor to return to an idea that he and now-Congressmen Pascrell had many years ago as members of the State legislature: to create an independent ombudsman for children.

The Office of the Child Advocate is equipped with broad new powers, including the power to investigate government agencies; the power to subpoena; the power to sue state government; the power to demand

corrective action; the power to hold public hearings; the power to disclose all of our findings publicly; and, most vitally, the power of independence.

On October 24, 2003, I learned from the State Department of Human Services that four children living in the Collingswood home of Raymond and Vanessa Jackson had been taken to the hospital for treatment of severe malnourishment. I also learned that the household included a foster child who was visited numerous times by the state child protection agency during the past several years. The boys were severely underweight, none weighing more than 45 pounds.

One child weighed 38 pounds when adopted in October 1996, and 7 years later weighed just 40 pounds. In 7 years, the child had gained just 2 pounds, but has gained more than 15 pounds in the last four weeks. The oldest child weighed 49 pounds in December 1995, but weighed only 45 pounds when he was removed from the Jackson home last month, and now weighs nearly 65 pounds.

The state child welfare agency had visited the Jackson home 38 times in the last four years. These visits included meetings with the foster child and Mrs. Jackson; a home licensing inspection; a child safety assessment; and in a few instances, discussions with all of the Jackson children including the malnourished boys.

The Office of the Child Advocate opened an investigation on October 25, 2003. My staff and I are poring through more than 20,000 pages of documents from public agencies, and expect to speak with at least 20 witnesses as part of our investigation. The central question we seek to answer is this: how did the condition of all four boys endure for so long despite the family's involvement with the child protection agency, other government agencies, their neighbors, family and friends?

It did not take this tragedy to prove that our child protection systems in the United States are badly broken. The playgrounds of heaven are filled with the children we should have saved. And we are lucky the Jackson boys can be counted among the saved, not the lost.

Our investigation is only two weeks old. We are cooperating with the Camden County prosecutor's office, which is running a concurrent

investigation with criminal jurisdiction, and I anticipate that a thorough investigation will take 3 months to complete.

As we identify systemic deficiencies, we are committed to bringing them to light prior to the completion of our full investigation. For example, the licensing protocols for foster homes in New Jersey have historically required proof of a pet's vaccination, but no requirement that all the children in the home be interviewed or their medical records be reviewed. A new group of leaders hired at the Department of Human Services as part of the reform movement has now changed this policies to ensure that every child in a household, no matter their status, is seen by the licensing team. But real reform can't happen protocol by protocol, policy by policy. It requires an organizational renaissance. In New Jersey, that renaissance has to overcome 25 years of malaise, poor resources and wavering political will.

All of the malnourished children had been adopted through the state child protection agency, and the Jacksons received a subsidy from government to help them meet the special needs of their children following the adoption. Federal subsidies were created by Congress through Public Law 96-272- the Adoption Assistance and Child Welfare Act of 1980) to encourage the adoption of special needs children and strip the financial disincentives to adoption for families. Children may receive a federally funded subsidy under Title IV-E or a state-funded subsidy as per state guidelines. Depending on the age and needs of the child, and the date of their adoption, the typical subsidy ranges between \$300 and \$678 per month. Adoptive parents of the most medically fragile children can receive an “exceptional rate” of as much as \$1,410 per month.

The adoption subsidy program is a success story of which this Congress should be proud. Changes to federal adoption laws and innovative tools like the subsidy have enabled states to dramatically increase the number of adoptions in the United States over the last several years. New Jersey is near the head of that pack, receiving the second highest bonus payment this year for increasing adoptions in 2002. I want to unequivocally acknowledge that as a good thing. Permanence and stability are essential for children.

It would be a very good idea for all states to require documentation of an updated physical examination by a doctor when the adoption subsidy is annually renewed. And states need to be vigorous in continuing to offer

services to special needs children following an adoption. Neither occurred in the case of the Jackson boys, and both steps could have prevented the tragic outcome of four boys found starving, their parents charged with criminal wrongdoing and a family torn apart.

This Subcommittee has a critical role to play to improve our nation's child welfare systems, many of which do not evidence a robust national or state commitment to children. Too many include caseloads for workers that are too high; inadequate training for caseworkers and supervisors; scarce access to resources, such as prevention and placement services; and a complete failure to track outcomes for children longitudinally. In New Jersey, these failures, and many others, will be addressed when a panel of child welfare experts approved by the federal court pursuant to the State's settlement agreement with Children's Rights, approves a federally enforceable series of benchmarks and outcomes for children in January.

But it remains very troubling throughout the nation that real progress in lowering caseloads, instilling accountability and improving services to our most vulnerable children are more likely to result from public interest litigation and advocacy than anything else. This Subcommittee is uniquely positioned to ensure that these systems have the resources and operational accountability necessary to save children.

Respectfully, no matter how hard you try, government will never love a child the way his or her family must. But when those families cannot or will not provide that love and attention, government has a fundamental moral obligation to protect children. We have all got to do a much better job of filling the void.